



**REGULAR MEETING
MINUTES
for
Wednesday, August 22, 2007
5:30 P.M. – Art Pick Council Chambers
3900 Main Street, Riverside, CA**

CASE REVIEW – 4:00 P.M.

Case Review Roll Call

Brewer	Soubirous	Hubbard	Brandriff	Ward	Pearcy	Corral	Santore	VACANT
✓	✓	A	A	✓	✓	A	✓	X

✓ = Present A = Absent

Staff Present: Kevin Rogan, CPRC Manager
Mario Lara, Interim CPRC Manager
Phoebe Sherron, Sr. Office Specialist

Public Comments

Mr. Roger Brown spoke to the Commission regarding his case.

Closed Session - Case Review

Pursuant to Government Code Section 54957, the Commission will adjourn to Closed Session to discuss issues pertaining to PUBLIC EMPLOYEE PERSONNEL MATTERS.

	<u>CPRC CASE NO.</u>	<u>IA CASE NO.</u>
1)	06-079	PC-06-12069
2)	07-001	PC-07-01001
3)	07-022	PC-07-04030

OPEN SESSION – 5:30 P.M.

Audio for the following proceedings is available on the CPRC website:

www.riversideca.gov/cprc

Copies can also be obtained by calling the CPRC office at (951) 826-5509.

Pledge of Allegiance / Roll Call

Brewer	Soubirous	Hubbard	Brandriff	Ward	Pearcy	Corral	Santore	VACANT
✓	✓	A	A	✓	✓	A	✓	X

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Staff Present: Kevin Rogan, CPRC Manager
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Public Comment

Steven Simpson

Mr. Simpson provided a handout to the Commission addressing his concerns. He said that the Commission is "stifled, in one way or another, to the degree that it doesn't act, in my view, credibly, as a City entity." He said that "we should all endeavor to have the Commission support and pursue its stated mission as called out by ordinance and in the Charter."

Issues which Mr. Simpson spoke to were:

- the need for broader support of the Commission;
- removal of "ward politics" in that the Commission should be responsible for removing a member, not the City Council;
- the role of the "7th Floor" in what the Commission does;
- the Executive Director should be selected by and serve at the pleasure of the Commission, not the 7th Floor.
- the Commission should have an attorney with no connection to the City Council or the City government.

Mary Shelton

Ms. Shelton said she takes Mr. Simpson's comments seriously and applauded a commissioner who would raise these questions. She said that while she had not always been on the same side of issues as Mr. Simpson, he sees issues that some commissioners don't. She said that she finds it "ironic and more than a bit sad that, in order to raise these issues, this person can no longer serve on this Commission."

Michael Dunn

Mr. Dunn spoke on how the Commission receives reliable info from RPD. He also spoke regarding Taser operation and that information wasn't received regarding the officers' level of training for Taser operation.

Deborah Wong

Dr. Wong welcomed Kevin Rogan and said she feels he has challenges ahead of him. She also thanked Mr. Simpson for his work on the Commission and said she was sorry he was forced off, noting that he offered considered analysis of the Brown case.

Dr. Wong said the Commission "needs to rewind" the Brown case and ask that RPD do a "professional investigation" or the Commission should render no finding because its work has been compromised by an investigation that doesn't meet professional standards. She noted that the Commission has gone through a difficult period since losing its Executive Director and experienced commissioners. She noted that there is no shame in starting over again and that the Riverside Coalition for Police Accountability (RCPA) asks that a new investigation be done under the leadership of Kevin Rogan.

Linda Dunn

Ms. Dunn welcomed Kevin Rogan and thanked Mr. Simpson for his service on the Commission. Speaking to one of the issues raised by Mr. Simpson, she said that the Commission must have independent counsel. She noted that because the City Attorney advises the Police Department, there is a conflict of interest when the City Attorney also advises the Commission. She said she would like the City Attorney to give, in writing, the reason why a minority report was not included in a previous OID. Without independent counsel, she said she feels the Commission is dysfunctional.

Bill Howe

Mr. Howe welcomed Kevin Rogan. He also addressed Commissioner Ward's minority report. He was critical of RPD's investigation and voiced concern about conflicting statements. He was especially critical of the collection of DNA evidence.

Mr. Howe commented on the high commissioner turnover and asked why. He also expressed concern that new commissioners have had no training, yet voted on a critical issue like the Brown OID. He asked the Commission to rethink its vote and review the questions contained in the minority report.

Approval of Minutes

Minutes for Approval	Motion	Second	Approve	Oppose	Abstain
A) July Regular Meeting	Brewer	Ward	5	0	0
B) August 8 Case Review / Special Meeting	Brewer	Ward	5	0	0

Staff Report

Mr. Rogan advised the Commission that he, along with several other commissioners, would be attending the upcoming NACOLE Conference in September.

Committee Reports

A) Outreach Committee: Sheri Corral, Chair

There was no report – Chair absent.

B) Policies & Procedure Review Committee: Chair – VACANT

There was no report – Chair position vacant. Chairman Percy asked Staff to agendaize appointment of Committee Chair for next meeting.

Brown Officer-Involved Death Case – Continuing

A) RPD Taser Training / Policy – RPD Representative

Due to several commissioner absences, this item was continued to the next Regular Meeting.

Mary Shelton

Ms. Shelton said she has had questions since the "whole thing began." She said she has concerns about civilian witnesses and why they couldn't see the Taser in Mr. Brown's hands. She invited commissioners to go to the Welcome Inn and check the color of the pavement. She also expressed concern about the cycle times of the Taser and the timelines, noting that the timelines are a critical part of the investigation.

B) Review new / modified language to conclusion section from August 8th Special Meeting.

Motion for Approval	Motion	Second	Approve	Oppose	Abstain
Accept modifications as written	Brewer	Soubirous	4	0	1

C) Discuss follow-up questions to be submitted to RPD

Motion for Approval	Motion	Second	Approve	Oppose	Abstain
Submit follow-up questions, in toto, to RPD	Brewer	Soubirous	4	0	1

D) Set date for next special meeting to continue work on public report.

Motion for Approval	Motion	Second	Approve	Oppose	Abstain
That the next Special Meeting be scheduled for September 12 th	Brewer	Soubirous	5	0	0

CPRC 2006 Annual Report

Mr. Lara advised that new photos of the commissioners were being taken for the annual report. He asked that commissioners submit any comments that they have. He said that he and Mr. Rogan would continue working on the report.

Mary Shelton

Ms. Shelton asked if there had been any follow-up on her query regarding findings comparisons. She also spoke regarding the length of time it takes for RPD to conduct complaint investigations. She said this is an area the Commission needs to look into for the sake of both the complainant and the subject officer.

Duties and Responsibilities of City Staff and Commission

Chairman Percy noted that former commissioner Steve Simpson had asked for this item to be agendaized and that he had hoped Mr. Simpson would speak on this item, but that Mr. Simpson had left.

Commissioner Ward said he had no insight as to why Mr. Simpson put the item on the agenda, but based on Mr. Simpson's presentation, he did it because there is a lot of conflict between what commissioners are called to do and what city staff would like to see the Commission do. He said he feels that the Commission would be well served if it could meet with the City Council and the City Manager to clarify issues, such as the Commission's use of its independent investigator. Commissioner Ward said he knows that the CPRC investigator was contacted by City Staff and given instructions contrary to those given by the Commission. He said the Commission's role is to review complaints and investigate officer-involved deaths. It's not the Commission's job as to how those decisions affect the City.

Commissioner Brewer noted that the Commission has asked for outside counsel for seven years and asked how that could be brought about.

Chairman Percy said the Commission has Joe Brann, who has been retained to evaluate Commission and RPD and make recommendations. He said that Mr. Brann's draft report is at or near completion and will be provided within the next few weeks. Chairman Percy suggested that this item be kept on the agenda as a recurring item. He also noted that some of the issues that have been voiced by prior commissioners will be addressed in Mr. Brann's report.

CPRC Independent Investigator

- A)** Discuss protocol regarding use of the independent investigator in officer-involved death incidents.
- B)** Discuss creation of investigative pool.

Chairman Percy said that this item was on the agenda in the past and had been held pending the appointment of the new director. He said it would be best to discuss this item in detail when all commissioners are present, but it is now "on the radar" for future discussions.

Mary Shelton

Ms. Shelton said this is a much bigger issue than what is on the agenda. She said the biggest issue was if the Commission would be able to conduct independent investigations or if they would have to wait for the RPD's and DA's investigations to be concluded. She said this issue is why Dr. Payne is gone and Kevin Rogan is here. She said that RPD is not happy that the Commission conducts its own investigations. She also said that she wants to see this issue discussed in its entirety.

She concluded by noting that nothing has been received from RPD regarding the Cloud or Hill OIDs.

CPRC Outreach

- A)** Discuss staff report to Outreach Committee regarding outreach programs of other oversight bodies.
- B)** Discuss CPRC manager's role in outreach.

Chairman Percy said that this item should be discussed when all commissioners are present. He said that the community views outreach to the community as an integral part of the Executive Director's job. Chairman Percy recommended that Mr. Rogan contact Jenna Combs with regard to the report regarding outreach programs of other oversight bodies.

Commissioner Brewer agreed with Chairman Percy that this item should be continued as it is a very important issue.

Mary Shelton

Ms. Shelton said that this is an issue that was discussed months ago and that one of the Executive Director's responsibilities was to do outreach. She noted that last year, the City Manager's office

barred the Executive Director from outreach because they thought that by attending meetings, he was soliciting complaints or siding with the community. She said that outreach is one of the most important aspects of the Executive Director's job. She said that commissioners don't always have time for outreach so it is very important that the Executive Director be out in the community. She noted that currently, outreach is completely off the radar. She said that Dr. Payne made overtures to RPD, did outreach to new officers, and met with RPD personnel. She said she is glad to see the item come back on the agenda, but that it should be discussed in context of the history of the Executive Director's outreach.

Mr. Rogan said he agrees with Ms. Shelton and views outreach as one of the most important parts of his job. He said he has been working with Yvette Pierre in Human Relations Commission (HRC) to that end and that he will be reporting regularly to the Commission regarding his outreach efforts.

Commissioner Comments

Commissioner Soubirous said that she appreciated working with Steve Simpson and the time he gave to the community.

Commissioner Santore reported that he completed one ride-along, FATS training, and Brown Act training.

Commissioner Ward said he was sorry Mr. Simpson left early, but wanted to praise him on the report he gave to the Commission. He said that he enjoyed the time they worked together and hates to see him leave, but is glad he made the public aware of the challenges facing the Commission. He said that all commissioners need to make the public aware of the issues raised by Mr. Simpson and not have to resign to do it.

Chairman Percy said that while Mr. Simpson served for only a short time, he made an impact on the Commission. He noted that Mr. Simpson's insight and comments were beneficial and he was sorry he didn't stay on the Commission. He said that many of Mr. Simpson's issues will be coming up in the near future and hopes that Mr. Brann's report will be a launching pad for that.

Items for Future Commission Consideration

There were no items discussed for future consideration.

Adjournment

The Commission adjourned at 7:08 PM.

Respectfully submitted,



PHOEBE SHERRON
Sr. Office Specialist